

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

JAMES EDWARD CURTIS,

Plaintiff,

v.

WILLIAM E. RILEY,

Defendant.

CASE NO. C08-5109 BHS

ORDER ADOPTING REPORT
AND RECOMMENDATION

This matter comes before the Court on the order denying Plaintiff James Edward Curtis's ("Curtis") motion for a Rule 56(d) continuance (Dkt. 248) and Report and Recommendations ("R&R") (Dkt. 249) of the Honorable Karen L. Strombom, United States Magistrate Judge, and Curtis's objections to the order (Dkt. 266).

On July 23, 2012, Judge Strombom issued the order and R&R. In the order, Judge Strombom concluded that "the discovery sought by Plaintiff will not aid him in proving his claim against Defendant Riley." Dkt. 248 at 12. On September 17, 2012, Curtis filed objections to this nondispositive order. Dkt. 262. Although Curtis filed over 300 pages in objections, he fails to show that Judge Strombom's order is clearly erroneous or is

1 contrary to law. *See* Fed. R. Civ. P. 72(a). Therefore, the Court declines to modify or set
2 aside the order.

3 With regard to the R&R, the Court granted Curtis's extension and renoted the
4 R&R allowing Curtis ample time to file objections. However, the R&R has been ripe for
5 more than a month and the Court has not received objections. Therefore, the Court
6 having considered the R&R, the remaining record, and no objections having been filed,
7 does hereby find and order as follows:

8 (1) The Court declines to modify or set aside Judge Strombom's order (Dkt.
9 248);

10 (2) The R&R is **ADOPTED**;

11 (3) The Court **GRANTS** Defendant Riley's motion for summary judgment;

12 (4) The Clerk shall enter **JUDGMENT** in favor of Defendant Riley;

13 (5) The Court **REVOKES** Curtis's *in forma pauperis* status; and

14 (6) This action is **DISMISSED**.

15 Dated this 12th day of December, 2012.

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18 BENJAMIN H. SETTLE
19 United States District Judge
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